Petitioner,

v.

Dora B. Schriro, et al.,

Respondents.

Pending before the Court is Petitioner Thomas Sullivan's petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 and United States Magistrate Judge Glenda Edmond's Report and Recommendation ("R&R"). Docs. ##1, 28. Petitioner alleges that he received ineffective assistance of counsel during his state court trial in violation of the Sixth and Fourteenth Amendments to the United States Constitution. Doc. #1 at 4-5, 13-14, 21-32. The Magistrate Judge recommends that the Court deny the petition because Petitioner has failed to show any prejudice and the state court's adjudication of Petitioner's claims was not unreasonable or contrary to clearly established federal law. Doc. #28 at 10-20 (citing *Strickland v. Washington*, 466 U.S. 668 (1984); 28 U.S.C. § 2254(d)). The Magistrate Judge advised the parties that they had ten days to file objections to the R&R and that the failure to timely file objections to any determination of the Magistrate Judge would be considered a waiver of the right to review of such determination. *Id.* at 20 (citing 28 U.S.C. § 636(b); *United States v. Reyna-Tapia*, 328 F.3d

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1114, 1121 (9th Cir. 2003)).

The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) ("[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection."); Fed. R. Civ. P. 72(b) ("The district judge . . . shall make a de novo determination . . . of any portion of the magistrate judge's disposition to which specific written objection has been made[.]"). The Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will accept the R&R and deny the petition. *See* 28 U.S.C. § 636(b)(1) (stating that the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate"); Fed. R. Civ. P. 72(b) (same).

## IT IS ORDERED:

- 1. Magistrate Judge Glenda Edmond's R&R (Doc. #28) is accepted.
- 2. Petitioner Thomas Sullivan's petition for writ of habeas corpus (Doc. #1) is denied.

Daniel G. Campbell

David G. Campbell

United States District Judge

3. The Clerk of Court shall **terminate** this action.

DATED this 31<sup>st</sup> day of October, 2005.